

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In Re:)	17-10500
)	
Marcus A. Alexander,)	Chapter 13
)	
Debtor(s).)	Hon. Judge Deborah L. Thorne

NOTICE OF MOTION

TO: See attached list

On January 13, 2021, at 1:30 p.m., I will appear before the Honorable Deborah L. Thorne, or any judge sitting in that judge's place, and present this motion, a copy of which is attached.

This motion will be presented and heard electronically using Zoom for Government. No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and password.

Meeting ID and password. The meeting ID for this hearing is **160 9362 1728** – no password required. The meeting ID and further information can also be found on Judge Thorne's web page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

Movant: Marcus A. Alexander
By: Michael R. Colter, II
David M. Siegel & Assoc., LLC
790 Chaddick Drive
Wheeling, IL 60090
(847) 520-8100
mcolter@davidmsiegel.com

CERTIFICATE OF SERVICE

I certify that I served a copy of this notice and the attached motion on each entity shown on the attached list at the address shown and by the method indicated on the list on December 23, 2020, at 5:00 p.m.

/s/ Michael R. Colter, II
Michael R. Colter, II

To the following persons or entities who have been served via electronic mail:

U.S. Bankruptcy Trustee: USTPRegion11.ES.ECF@usdoj.gov

Marilyn O. Marshall, Chapter 13 Trustee: thocall@chi13.com

To the following persons or entities who have been served via U.S. Mail:

Marcus A. Alexander
1313 N. Western #3
Chicago, IL 60622

Sullivan Urgent Aid Centers, LTD
P.O. Box 1123
Minneapolis, MN 55440-1123

Illinois Tollway
P.O. Box 5544
Chicago, IL 60680

Illinois Dept. of Revenue
Attn: Bankruptcy Division
P.O. Box 19035
Springfield, IL 62794

Quantum3 Group LLC
agent for Cascade Capital LLC
P.O. Box 788
Kirkland, WA 98083-0788

U.S. Dept. of Education
P.O. Box 16448
St. Paul, MN 55116

City of Chicago Department of Finance
c/o Arnold Scott Harris, P.C.
111 W. Jackson Blvd Ste. 600
Chicago, IL 60604

Department of Treasury
Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101-7346

Capital One Auto Finance
% AIS Portfolio Services, LP
4515 N. Santa Fe Ave., Dept. APS
Oklahoma City, OK 73118

Commonwealth Edison Company
Attn: Bankruptcy Department
1919 Swift Drive
Oakbrook Terrace, IL 60523

Ingalls Hospital
One Ingalls Drive
Harvey, IL 60426

Honor Finance
1731 Central Street
Evanston, IL 60201

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MOTION TO MODIFY PLAN

NOW COMES the Debtor, Marcus A. Alexander, by and through his attorney, David M. Siegel & Associates, LLC, to present this Motion, and in support thereof states as follows:

- 1) This Court has jurisdiction pursuant to 28 U.S.C. § 1334 and Internal Operating Procedure 15(a) of the U.S. District Court for the Northern District of Illinois.
- 2) On April 3, 2017, Marcus A. Alexander (Debtor) filed for relief under Chapter 13 of Title 11 USC, and Marilyn O. Marshall was appointed trustee in the case.
- 3) Debtor's Plan currently requires monthly payments of \$540.00, with general unsecured creditors receiving no less than 10% of their allowed claims.
- 4) The Debtor's confirmed Plan contains the following language which deals with the tax refund policy of the Trustee Marilyn O. Marshall's office:

Debtor will be required to turnover to the Trustee a copy of his Federal income tax return each year by April 20, beginning the year after his plan is confirmed. Debtor is required to turnover to the Trustee his tax refunds that exceed \$1,200.00 by June 30, beginning the year after his plan is confirmed.

- 5) Debtor received a tax refund for 2019 in the amount of \$3,178.00. After Debtor retains the first \$1,200.00 of the refund, he would need to pay \$1,978.00 to the trustee who then would pay his creditors this amount as an additional payment.
- 6) Debtor was furloughed for roughly one month at the end of March 2020 and the beginning of April 2020. Debtor's pay was reduced to 80% of his normal pay. Debtor relied on a portion of his refund for necessary living expenses while his income was reduced. (Exhibit A.)
- 7) Debtor used the remainder of his refund for vehicle repairs. The debtor provided two receipts for these repairs which total \$699.62. (Exhibit B.)
- 8) The Debtor also had suspension work done at Velasquez Auto Care but does not have a receipt for the work. The cost of the parts and labor was \$1,200.00. (Exhibit A.)
- 9) The Debtor seeks to modify his plan under § 1329 and waive the requirement to turn over his tax refund as an extra payment to his creditors.
- 10) The general unsecured creditors will still receive no less than 10% of allowed claims.
- 11) The Debtor seeks these modifications without the intent to commit fraud.

WHEREFORE, the Debtor, Marcus A. Alexander, prays that this Honorable Court enter an Order Modifying Debtor's Chapter 13 Plan and for other such relief as the Court deems fair and proper.

Respectfully Submitted,

/s/ Michael R. Colter, II
Michael R. Colter, II, A.R.D.C. #6304675
Attorney for the Debtor